REMARKS

Claims 1-25 and 30-46 stand under 35 U.S.C. 103(a) as being unpatentable over Beeler, JR. (U.S. Pub. No. US 2004/0083245, hereinafter Beeler) in view of Schutzman et al. (U.S. Pat. No. 6,505,216, hereinafter Schutzman) and Goddard (U.S. Pat. No. 6,883,110, hereinafter Goddard).

Amendments to the Claims

Applicant has amended claim 1 with the limitation "…wherein the non-transparent sequence comprises an order that a plurality of backup data packets are stored on the plurality of target clients …" The amendment is fully supported by the specification. See page 15, ¶ 54. Claims 16, 19, 30, 36, 37, and 46 are similarly amended.

Claims 4 is amended with the limitation "…the unique data identifier identifying original, non-backup data…" The amendment is well supported by the specification. See page 19, ¶ 66. Claims 16, 20, 33, and 39 are similarly amended.

Applicant has amended claim 14 with the limitation "…wherein the distance is selected from a physical distance and an internet protocol address distance…" The amendment is well supported by the specification. See page 21, ¶ 72. Claims 15, 43, and 45 are similarly amended.

Claims 2, 9-14, 32, 33, 42, and 43 are further amended to conform to amended claims. Claim 21 is amended to cure an informality.

<u>Response to rejections of claims under 35 U.S.C. § 103(a)</u>

Claims 1-25 and 30-46 stand under 35 U.S.C. 103(a) as being unpatentable over Beeler in view of Schutzman and Goddard. Applicant respectfully traverses these rejections.

Independent claim 1 as amended includes the limitation "...the non-transparent sequence comprises an **order that a plurality of backup data packets are stored** on the plurality of target clients ..." Independent claims 16, 19, 30, 36, 37, and 46 include similar limitations.

Applicant submits that the limitation narrows the element of the non-transparent sequence so as to distinguish the non-transparent sequence from the sequence taught by Beeler. While Beeler does disclose a target list of servers, Beeler does not disclose a sequence comprising an order that a plurality of backup data packets are stored on a plurality of target clients. Applicants therefore submit that Beeler, and Schutzman and Goddard, do not teach "...the non-transparent sequence comprises an order that a plurality of backup data packets are stored on the plurality of target clients ..."

Because Beeler, Schutzman, and Goddard do not teach each element of the claimed invention, Applicant submits that claims 1, 16, 19, 30, 36, 37, and 46 are allowable, and that claims 2-15, 17, 18, 20-25, 31-35, and 38-45 are allowable as depending from allowable claims.

Conclusion

As a result of the presented remarks, Applicants assert that the application is in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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